



भारत का राजपत्र

The Gazette of India

प्रताधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 3] नई दिल्ली, बुधवार, अक्टूबर 1, 1911/पौष 19, 1912
No. 3] NEW DELHI, WEDNESDAY, JANUARY 9, 1991/PAUSA 19, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रत्येक संकलन के इष्ट में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 9th January, 1991:—

BILL NO. 6 OF 1991

A Bill further to amend the Jammu and Kashmir Criminal Law Amendment Act, 1983.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Jammu and Kashmir Criminal Law Amendment (Amending) Act, 1991.

Short title and commencement.

(2) It shall be deemed to have come into force on the 17th day of December, 1990.

Amendment of section 4 of Act No. X of 1983.

2. In the Jammu and Kashmir Criminal Law Amendment Act, 1983 (hereinafter referred to as the principal Act), in section 4, in sub-section (3), for the words "six months", the words "one year" shall be substituted.

Repeal and saving.

Ord. 1 of 1990. 3. (1) The Jammu and Kashmir Criminal Law (Amendment) Ordinance, 1990 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Government of Jammu and Kashmir had declared in 1990 certain organisations and associations as unlawful under the provisions of the Jammu and Kashmir Criminal Law Amendment Act, 1983 for the persistent activities of the members of these organisations in inciting and instigating violence, successionism and disruption of public order and harmony.

2. The State Criminal Law prescribes that the declaration of the State Government in notifying the organisations as unlawful is to be referred to a Tribunal constituted under the said law, which will decide and make an order either confirming or cancelling the declaration so made by the State Government within a period of six months from the date on which a reference is received by the Tribunal. The statutory limit available to the Tribunal for adjudicating the matter would have expired on 18th December, 1990. In view of the disturbed conditions in the Valley and also due to dislocation of office work by the strike of the State Government employees, the Tribunal could not proceed substantially in the matter of conducting inquiry.

3. Since the State of Jammu and Kashmir is under President's rule and Parliament was not in session, the Governor promulgated the Jammu and Kashmir Criminal Law (Amendment) Ordinance, 1990 on the 17th December, 1990 for extending the period of six months to one year to enable the Tribunal to complete its proceedings in relation to such declarations.

4. The Bill seeks to replace the said Ordinance.

NEW DELHI;

SUBODH KANT SAHAY.

The 8th January, 1991.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1991.

Short title.

2. In section 5 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act),—

(a) in sub-section (2), after the words “performed by him”, the words “either alone or along with a Companion,” shall be inserted;

Amend-
ment of
section 5.

(b) after *Explanation II*, the following *Explanation* shall be inserted, namely:—

“*Explanation III*.—For the purposes of sub-section (2), any journey performed by the companion, if any, shall be added in computing the limit of sixteen journeys specified in the proviso to that sub-section.”

Amend-
ment of
section
8A.

3. In section 8A of the principal Act,—

(a) in sub-section (1),—

(i) for the portion beginning with the words "With effect from the commencement of the Salary and Allowances of Members of Parliament (Amendment) Act, 1976", and ending with the words "whether continuous or not", the following shall be substituted, namely:—

"With effect from the commencement of the salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1991, there shall be paid a pension of two hundred and fifty rupees per mensem to every person, for every year of service up to five years, whether continuous or not";

(ii) for the first and second proviso, the following proviso shall be substituted, namely:—

"Provided that where any person has rendered service as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of one hundred rupees per mensem for every year in excess of five years subject to the condition that the maximum pension payable to a member shall not exceed two thousand two hundred and fifty rupees per mensem:";

(iii) in the third proviso, for the words "Provided also", the words "Provided further" shall be substituted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Where any person entitled to pension under sub-section (1) is also entitled to any other pension from the Central Government or any State Government or any corporation owned or controlled by the Central Government or any State Government or any local authority, under any law or otherwise, such person shall be entitled to receive the pension under sub-section (1) in addition to such other pension:

Provided that the aggregate of the pension to which such person is entitled shall not exceed five thousand rupees."

Insertion
of new
section
8C.

4. After section 8B of the principal Act, the following section shall be inserted, namely:—

'8C. Every person who has been a member of the Council of States or of the House of the People or of the Provisional Parliament shall be entitled to perform six free return journeys by rail, in air-conditioned two-tier or first class in a year from his usual place of residence in India to any other place in India.

Explanation.—For the purposes of this section 'Provisional Parliament' shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the commencement of the Constitution'.

Facility of
journey
by rail
to Ex-
members.

STATEMENT OF OBJECTS AND REASONS

The Joint Committee on Salary and Allowances of Members of Parliament has made several recommendations for increasing the pension and existing facilities of Members of Parliament and ex-Members of Parliament. It is proposed to implement the following recommendations as accepted by the Government of India:—

- (i) a Member of Parliament may have a companion while performing air journey; so, however, that the air journey performed by the companion will be computed towards the existing ceiling of 16 single air journeys;
- (ii) relaxation of minimum period of membership for grant of pension and increase in pension for ex-Members of Parliament (Rs. 20.00 per mensem for each of membership up to 5 years and Rs. 100.00 per mensem for each additional year of membership beyond 5 years, the maximum ceiling being Rs. 2250.00 per mensem);
- (iii) grant of pension as ex-Member to be in addition to other pensions subject to a maximum ceiling of Rs. 5000.00 per mensem on all such pensions;
- (iv) free travel facility to ex-Members of Parliament for 6 return journeys by rail in AC-II tier or first class in a year.

2. The Bill seeks to achieve the above objects.

NEW DELHI;

SATYA PRAKASH MALAVIYA.

The 8th January, 1991.

FINANCIAL MEMORANDUM

Clauses 3 and 4 of the Bill seek to amend various provisions of the Act, to provide for increase in the amount of pension for ex-Members of Parliament, relaxation of the minimum period of membership for grant of pension and to provide for six free return journeys by rail in AC-II tier sleeper or first class, to ex-Members of Parliament.

2. The above provisions would involve a recurring expenditure from the Consolidated Fund of India to the extent of Rs. 6.71 crores per annum approximately.
3. The provisions of the Bill will not involve any other expenditure either recurring or non-recurring.

K. C. RASTOGI,
Secretary-General.